BILL NO. G-77-06-16

GENERAL ORDINANCE NO. G-35-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain part of a subdivision and streets.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain part of a subdivision and streets having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Act of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind.Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following, to-wit:

> Lots #137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive lying North of the Easterly projection of the South line of said Lot #139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Hinga, seconded by Schmidt, V., and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-~~County~~ Building, Fort Wayne, Indiana, on _____, the _____ ~~day~~ of _____, 19__, at _____ o'clock _____ M., E.S.T.

DATE: 6-14-77

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8	0		1	
BURNS	✓				
HINGA	✓				
HUNTER	✓				
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER				✓	
TALARICO	✓				

DATE: 9-27-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (APPROPRIATION) ORDINANCE (~~RESOLUTION~~) No. G-35-77 on the 27th day of September, 19 77

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of September, 19 77, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 29th day of September, 19 77, at the hour of 4:00 o'clock P M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. G-77-06-16

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain part of a subdivision and streets

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

VIVIAN G. SCHMIDT - CHAIRMAN — Vivian G. Schmidt

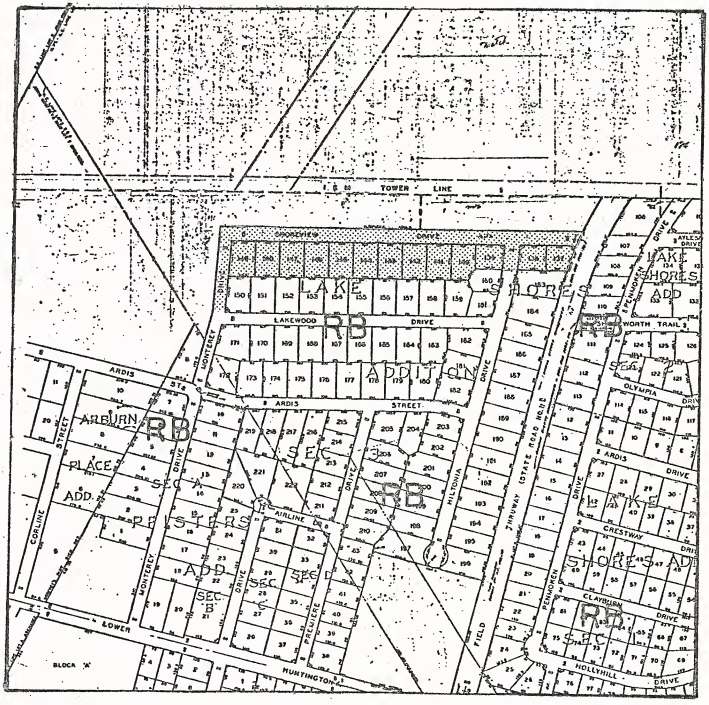
WINFIELD C. MOSES, JR. - VICE-CHAIRMAN

WILLIAM T. HINGA — William T. Hinga

DONALD SCHMIDT — D Schmidt

SAMUEL J. TALARICO — Samuel J. Talarico

9-27-77 CONCURRED
DATE CHARLES W. WESTERMAN, C...



TO BE VACATED

N

MAP NO. BB14

G-77-06-16

Map drawn 5-17-77
By: M.C.

R E S O L U T I O N

WHEREAS, SPY RUN DEVELOPMENT, INC., an Indiana Corporation, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following described subdivision and streets, in Allen County, Indiana, to-wit:

> Lots # 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, and 149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive, lying North of the Easterly projection of the South line of said Lot # 139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Monday, July 18, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and subdivision.

WHEREAS, said vacation of public streets and subdivision has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board, and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and subdivision hereinbefore described, conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said streets and subdivision, hereinbefore described, be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said streets and subdivision or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdicition of the vacation of streets and subdivisions in Allen County, Indiana.

BE IT FURTHER NOTED, vacation of subdivision and streets was filed in the Clerk's Office for vacation thru the Circuit Court of Allen County - CAUSE NO. CC-77-557, on May 11, 1977.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Joseph N. Adair, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on July 18, 1977, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 14th DAY OF September, 1977

FORT WAYNE CITY PLAN COMMISSION

Joseph N. Adair

Joseph N. Adair
Secretary

Doc. Res. 65-55-10
9/14/77

RESOLUTION

WHEREAS, SPY RUN DEVELOPMENT, INC., an Indiana Corporation, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following described subdivision and streets, in Allen County, Indiana, to-wit:

> Lots # 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive, lying North of the Easterly projection of the South line of said Lot # 139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publications thereof;

WHEREAS, said vacation of subdivision and streets has been routed thru the following Departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering and Park Board.

WHEREAS, vacation of subdivision and streets was filed in the Clerk's office for vacation thru the Circuit Court of Allen County - CAUSE NO. CC-77-557, on May 11, 1977.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public subdivision and streets, hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said subdivision and public streets hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said subdivision or streets or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Ethel H. LaMar, ~~Chairman~~ member of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting held on September 14, 1977, and as the same appears of record in the official records of said Board of Public Works.

DATED THIS 14th DAY OF September, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Chairman - Henry P. Wehrenberg

Ethel H. LaMar
Member - Ethel H. LaMar

Max G. Scott
Member - Max G. Scott

FILED CLERK'S OFFICE
ROBERT D. HANSON, CLERK

MAY 11 3 31 PM '77

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5-9-77

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT

CAUSE NO. CC-77-557

TO: THE CITY PLAN COMMISSION)
CITY OF FORT WAYNE, INDIANA)
)
THE BOARD OF PUBLIC WORKS)
CITY OF FORT WAYNE, INDIANA)

PETITION TO VACATE A PART OF LAKE SHORES, SECTION III, AN ADDITION TO THE CITY OF FORT WAYNE AND ALSO TO VACATE SHOREVIEW DRIVE, A PART OF HILTONIA DRIVE, AND A PART OF MONTEREY DRIVE

Comes now Spy Run Development, Inc., an Indiana corporation, and respectfully petitions to vacate the following described real estate in Allen County, Indiana, to-wit:

> Lots #137, #138, #139, #140, #141, #142, #143, #144, #145, #146, #147, #148 and #149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive lying North of the Easterly projection of the South line of said Lot #139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana.

That in support of this Petition, your Petitioner would make the following showing:

1. That it is the owner of all of the lots sought to be vacated, namely, lots numbered 137 to 149 inclusive in Lake Shores, Section III, an addition to the City of Fort Wayne, according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana, by virtue of a certain Deed of Conveyance recorded as Document No. 76-26498 in the Recorder's Office of Allen County, Indiana.

2. That Kenneth N. Gray and Sara E. Gray, husband and wife, are the owners of Lot Numbered 150 in said Lake Shores, Section

III, which adjoins a part of Monterey Drive on the East. That the said Kenneth N. Gray and Sara E. Gray have executed a waiver of issuance of notice, appearance and consent to the vacation of that portion of Monterey Drive of which they are abutting property owners. That said waiver, appearance and consent is attached hereto, made a part hereof and incorporated herein by reference.

3. That Wayne Center, Inc., is the owner of real estate abutting Monterey Drive on the West which is sought to be vacated herein. That the said Wayne Center, Inc., has executed a waiver of issuance of notice, appearance and consent to the vacation of that portion of Monterey Drive of which it is an abutting property owner. That said waiver, appearance and consent is attached hereto, made a part hereof and incorporated herein by reference.

4. That Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, is the owner of all of the real estate abutting Shoreview Drive on the North. That the said Trustee has executed a waiver of issuance of notice, appearance and consent to the vacation of Shoreview Drive of which it is the sole abutting property owner on the North. That said waiver, appearance and consent is attached hereto, made a part hereof and incorporated herein by reference.

5. That your Petitioner is the remaining abutting owner of real estate abutting on the East and West sides of Hiltonia Drive, the South side of Shoreview Drive and a part of the East side of Monterey Drive. That as such Petitioner it consents to the vacation of the real estate described herein.

6. That the vacation of the lots and streets described herein involves no public utilities for the reason that the real

estate described herein was never in fact developed or improved since the platting thereof.

7. That no damages will be sustained by any owner abutting any of the streets or parts of streets sought to be vacated.

8. That the lots and streets sought to be vacated will become a part of a plat to be known as Lake Shores Extended and, therefore, justice requires the vacation of the lots and streets described herein. That the proposed replat will be advantageous to the growth of the City of Fort Wayne, Indiana.

9. That this Petition is being filed with the Allen Circuit Court because it has jurisdiction of the lots involved for purposes of vacation and is also being filed with the City Plan Commission and the Board of Public Works of the City of Fort Wayne, Indiana, because they have jurisdiction of the streets involved for purposes of vacation.

10. That because of the waivers of issuance of notice by all interested and affected parties which are attached hereto, no statutory notice is required.

11. That this Petition is filed pursuant to I.C. 1971, 18-5-10-43 and I.C. 1971, 18-7-5-46.

WHEREFORE, your Petitioner prays that said streets and lots described in this Petition be vacated according to the provisions of Indiana law pertaining thereto.

PETERS & TERRILL

By: David Peters

David Peters
Attorneys for Spy Run Development, Inc.
1700 Lincoln Bank Tower
Fort Wayne, Indiana 46802
(219) 423-4487

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT

CAUSE NO. CC-77-

TO: THE CITY PLAN COMMISSION)
CITY OF FORT WAYNE, INDIANA)
)
THE BOARD OF PUBLIC WORKS)
CITY OF FORT WAYNE, INDIANA)

WAIVER OF ISSUANCE OF NOTICE, APPEARANCE AND APPROVAL BY ABUTTING OWNERS

The undersigned, being abutting property owners of the real estate described in the above entitled cause for vacation hereby waive issuance of notice of said proceeding, appear thereto and consent to said vacation as prayed for in said Petition.

Kenneth N. Gray

Sara E. Gray

WAYNE CENTER, INC.

By: David Peters
David Peters, as its Secretary

LINCOLN NATIONAL BANK AND TRUST COMPANY OF FORT WAYNE, as Trustee

By: Luben Lazoff
Luben Lazoff, as its Vice-President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT

CAUSE NO. CC-77-

TO: THE CITY PLAN COMMISSION)
CITY OF FORT WAYNE, INDIANA)
)
THE BOARD OF PUBLIC WORKS)
CITY OF FORT WAYNE, INDIANA)

WAIVER OF ISSUANCE OF NOTICE, APPEARANCE AND APPROVAL BY THE CITY PLAN COMMISSION AND THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA

Comes now the City Plan Commission and the Board of Public Works of the City of Fort Wayne by its attorney, Clifford E. Simon, and appears to the within Petition to vacate certain lots and streets described in said Petition and consents thereto subject to the implementation of an appropriate resolution as required by law.

Clifford E. Simon, Jr., as attorney for the City Plan Commission and the Board of Public Works of the City of Fort Wayne, Indiana

Extra

DP:ske
+ 4
5-10-77

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN CIRCUIT COURT

CAUSE NO. CC-77-587

TO: THE CITY PLAN COMMISSION)
CITY OF FORT WAYNE, INDIANA)
)
THE BOARD OF PUBLIC WORKS)
CITY OF FORT WAYNE, INDIANA)

ENTRY

Comes now Spy Run Development, Inc., an Indiana corporation, and files its Petition to Vacate a Part of Lake Shores, Section III, an Addition to the City of Fort Wayne and Also to Vacate Shoreview Drive, a Part of Hiltonia Drive, and a Part of Monterey Drive, together with a Waiver of Issuance of Notice, Appearance and Approval by Kenneth N. Gray, Sara E. Gray, husband and wife, Wayne Center, Inc., and Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, being all of the abutting owners together with the Petitioner and also a Waiver of Issuance of Notice, Appearance and Approval by the City Plan Commission and the Board of Public Works of the City of Fort Wayne, Indiana, executed by Clifford E. Simon, Jr., as attorney for the City Plan Commission and Board of Public Works of the City of Fort Wayne, Indiana, which said approval by the said City Plan Commission and the said Board of Public Works is subject to the implementation of an appropriate resolution as required by law, which Petition, Waivers of Issuance of Notice, Appearances and Approvals are in the following words and figures, to-wit: (H.I.)

And the Court, having examined said Petition, Waivers of Issuance of Notice, Appearances and Approvals and being duly advised in the premises, finds that all interested parties have appeared hereto, that no person, firm or corporation will be

damaged by said vacation proceedings and that said lots and streets involved have never been developed or improved since the platting thereof and that said Petition of the Petitioner should be granted as prayed subject to the implementation of an appropriate resolution by the City of Fort Wayne as required by law.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that the following described real estate is hereby vacated:

> Lots #137, #138, #139, #140, #141, #142, #143, #144, #145, #146, #147, #148 and #149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive lying North of the Easterly projection of the South line of said Lot #139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the Office of the Recorder of Allen County, Indiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this judgment of vacation is subject to the implementation of an appropriate resolution by the City of Fort Wayne, Indiana, as may be required by law.

Judgment accordingly, costs to Petitioner.

Hermann F. Bruce

Judge, Allen Circuit Court

ORDERED AND DATED THIS 11th DAY OF MAY, 1977.

Number assigned by Bill Salin's office: # 3645 Admn. Appr. _____

DIGEST SHEET

Regulations

G-77-06-16.

TITLE OF ORDINANCE Subdivision and street vacation ordinance

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following described property: Lots # 137 thru # 149 in Lake Shores Addition, Section III, / that portion of Hiltonia Drive located between Lots # 138 and # 139 / that portion of Monterey Drive located west of Lot # 140 and # 150 / and all of Shoreview Drive.

EFFECT OF PASSAGE When vacated, streets and lots will be utilized by abutting property owners.

EFFECT OF NON-PASSAGE Property will remain as a platted subdivision.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

September 30, 1977

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 4 and October 11, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-77-08-36
(as amended)
Special Ordinance No. G-36-77

Bill No. G-77-06-16
General Ordinance No. G-35-77

Bill No. G-77-09-09
General Ordinance No. G-37-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,
Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 3

© F.W.B.C. 1974

DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date 10-11, 19 77

Title CLERK

BILL NO. G-77-09-16

GENERAL ORDINANCE No. G-35-77

Notice is hereby given that on the 27th day of September, 1977, the Common Council of the City of FOrt Wayne, Indiana, in a Regular Session did pass the following Bill No. G-77-09-16, G-35-77 General Ordinance, to-Wit:

An Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain part of a subdivision and streets.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain part of a subdivision and streets having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Act of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the, following, to-wit:

Lots Nos. 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive lying North of the Easterly projection of the South line of said lot No. 139, all according to the recorded plat thereof, re recorded at Plat Book 26, page 2, in the office of the Recorder of Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Talarico
Nays: None
Absent: Ora-Stier
Date: 9-27-77

Charles W. Westerman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-35-77 on the 27th day of September, 1977.

ATTEST: Charles W. Westerman
City Clerk

(SEAL) John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1977, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of September, 1977, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-35-77 passed by the Common Council on the 27th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of September, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.

Charles W. Westerman
City Clerk

10-4-11

Form

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA
town }
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

10/4-11/77

Arvilla DeWald

Subscribed and sworn to before me this 11th day of October, 19 77

Notary Public

My commission expires 9-28-79

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council City of Fort Wayne
(Governmental Unit)
Allen
County, Ind.

To JOURNAL-GAZETTE Dr.
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	2
Body	number of lines	111
Tail	number of lines	2
	Total number of lines in notice	115

COMPUTION OF CHARGES

115 lines, 1 columns wide equals 115 equivalent lines at .259 cents per line — $ 29.79

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) — 1.50

TOTAL AMOUNT OF CLAIM — $ 31.29

DATA FOR COMPUTING COST

Width of single column XX 9.9 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date 10-11, 19 77 — Title CLERK

BILL NO. G-77-06-16
GENERAL ORDINANCE No. G-35-77
Notice is hereby given that on the 27th day of September, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-77-06-16, G-35-77 General Ordinance, to-wit:
...General Ordinance...
I hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-35-77 passed by the Common Council on the 27th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of September, 1977, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.
Charles W. Westerman
City Clerk
10-4,11

...said there were ...
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The funding, ...
to the Fort Wayne ...
by proceedings, b...
a pilot program d...
Indiana has b...

Form Prosp

PUBLISHER'S AFFIDAVIT

State of Indiana, Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows: 10/4-11/77

Arvilla DeWald

Subscribed and sworn to before me this 11th day of October, 19 77

Notary Public

My commission expires 9-28-79

DATA FOR COMPUTING COST

Width of single column 9.9 ems

Number of insertions 2

Size of type 5½ point

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Date 10-11, 19 77

Title CLERK

BILL NO. G-77-06-16
GENERAL ORDINANCE No. G-35-77

Notice is hereby given that on the 27th day of September, 1977, the Common Council of the City of FOrt Wayne, Indiana, in a Regular Session did pass the following Bill No. G-77-06-16, G-35-77 General Ordinance, to-Wit:

An Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain part of a subdivision and streets.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain part of a subdivision and streets having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Act of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following, to-wit:

Lots Nos. 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 all in Lake Shores, Section III, an Addition to the City of Fort Wayne, Indiana, together with that portion of Monterey Drive lying North of the Westerly projection of the North right-of-way line of Lakewood Drive, together with Shoreview Drive, together with that portion of Hiltonia Drive lying North of the Easterly projection of the South line of said lot No. 139, all according to the recorded plat thereof, re-recorded at Plat Book 26, page 2, in the office of the Recorder of Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Winfield C. Moses, Jr.
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Talarico
Nays: None
Absent: One - Stier
Date: 9-27-77

Charles W. Westerman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-35-77 on the 27th day of September, 1977.

ATTEST: Charles W. Westerman
City Clerk

(SEAL) John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1977, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of September, 1977, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-35-77 passed by the Common Council on the 27th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of September, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.

Charles W. Westerman
City Clerk

10-4-11

Form 9 Revised

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows: 10/4-11/77

V.E. Gerken

Subscribed and sworn to before me this 11th day of October, 1977

Notary Public

My commission expires 9-28-79

Form Prescribed by State Board of Accounts

City Clerk, Charles W. Westerman
(Governmental Unit)

Allen County, Ind.

To THE NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	2
Body	number of lines	111
Tail	number of lines	2
	Total number of lines in notice	115

COMPUTATION OF CHARGES

115 lines, 1 columns wide equals 115 equivalent lines at .259 cents per line	$ 29.79
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	1.50
TOTAL AMOUNT OF CLAIM	$ 31.29

DATA FOR COMPUTING COST

Width of single column 9.9 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Date 10-11, 19 77 — Title CLERK

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Mayor

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WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of September, 1977.
Charles W. Westerman
City Clerk
10-4-11

$3/$1 FOIL WI

Form 9
Revised

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city / town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows: 10/4-11/77

V.E. Gerken

Subscribed and sworn to before me this 11th day of October 1977

Notary Public

My commission expires 9-28-79